

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RAMON JAIMES BRITO

Petitioner

VS.

UNITED STATES OF AMERICA

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CIVIL ACTION NO. C-10-150


OPINION AND ORDER OF DISMISSAL

Petitioner is incarcerated at the FCI Sheridan in Sheridan Oregon. In this petition for relief pursuant to 28 U.S.C. § 2241, he challenges his Corpus Christi Division drug conviction¹ pursuant to the savings clause of 28 U.S.C. § 2255(e) (D.E. 1).

A petition pursuant to § 2241 must be filed in the district of incarceration, where the District Court has jurisdiction over the prisoner and his custodian. *Lee v. Wetzel*, 244 F.3d 370, 373 (5th Cir. 2001). This is true even where the petition contests the legality of a sentence under the savings clause. *Id.* at 374. The district of sentencing does not have jurisdiction to consider the merits of a § 2241 petition unless the petitioner or his custodian is located there. *Id.*

Accordingly, this § 2241 petition is dismissed for want of jurisdiction. The dismissal is without prejudice to petitioner's right to file it in the appropriate court.

SIGNED and ORDERED this 3rd day of June, 2010.


Janis Graham Jack
United States District Judge

¹Petitioner was convicted in the Corpus Christi Division of the Southern District of Texas of conspiracy to possess with intent to distribute more than five kilograms of cocaine, and was sentenced to serve a term of 324 months BOP custody to be followed by five years of supervised release and \$100 special assessment. *See United States v. Ramon Jaimes Brito*, Cause No. 2:07cr398-01, D.E. 204. His § 2255 motion was denied November 20, 2009. *See id.*, D.E. 273.